

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**LOURENZO FLUELLEN MARTIN**

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**CR. NO. 1:07-cr-171-WKW**

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**United States's Unopposed Motion to Continue Sentencing**

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The United States respectfully requests the Court to continue Defendant Lourenzo Fluellen Martin's sentencing in this case, currently scheduled for Tuesday, July 22, 2008, at 10:30 a.m. It requests this relief for the following reasons:

1. On August 15, 2007, a Grand Jury sitting in the Middle District of Alabama returned a one-count indictment against Smith, charging him with being a felon in possession of a firearm (violating 18 U.S.C. §922(g)).<sup>1</sup> Then, on February 4, 2008, Smith entered a plea of guilty to this charge without a plea agreement.<sup>2</sup> This case is currently set for sentencing on July 22, 2008, at 10:30 a.m.

2. On July 8, 2008, the Government received Martin's objection to his Presentence Investigation Report. In the objection, Martin contests a four level increase in his base offense level base upon his possession of a firearm or ammunition in connection

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<sup>1</sup> Doc. #1.

<sup>2</sup> Doc. #29.

with another felony offense. *See* U.S.S.G. § 2K2.1(b)(6). Martin's object is factual and will necessitate the presentation of evidence to substantiate the enhancement.

3. Yesterday afternoon, on July 16, 2008, the United States learned that one of the key witnesses that the United States intends to call as a witness to support the enhancement has had complications with her pregnancy and is hospitalized. She currently is on bed rest, and even if she is released, it is the United States understanding that she will be continued to be on bed rest.

4. A continuance is therefore necessary as this is an essential witness to support the enhancement under U.S.S.G. § 2K2.1(b)(6). A continuance of a sentencing on these grounds is permissible so long as the sentence may still be "imposed without unnecessary delay."<sup>3</sup>

5. The Government has conferred with Smith's attorney, Donnie Bethel, who indicated that he has no objection to this continuance. Therefore, the Government requests that the sentencing be continued.

Respectfully submitted this 17th day of July, 2008.

LEURA G. CANARY  
UNITED STATES ATTORNEY

/s/ Christopher Snyder  
CHRISTOPHER A. SNYDER  
Assistant United States Attorney  
131 Clayton Street  
Montgomery, AL 36104  
Phone: (334)223-7280  
Fax: (334)223-7135

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<sup>3</sup> Fed. R. Crim. P. 32(b)(1).

E-mail: christopher.a.snyder@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on July 17, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Donnie Bethel.

/s/ Christopher Snyder  
CHRISTOPHER A. SNYDER  
Assistant United States Attorney